

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. MORGAN REYNOLDS on behalf of the UNITED STATES OF AMERICA

Plaintiff, §

VS. §

SCIENCE APPLICATIONS \$
INTERNATIONAL CORP.; APPLIED \$
RESEARCH ASSOCIATES, INC.; \$
NuSTATS; COMPUTER AIDED \$
ENGINEERING ASSOCIATES, \$
INC.; DATASOURCE, INC.; \$
GEOSTAATS, INC.; GILSANZ \$
MURRAY STEFICEK LLP; HUGHES \$
ASSOCIATES, INC.; AJMAL ABBASI; \$
EDUARDO KAUSEL; DAVID PARKS; \$
DAVID SHARP; DANIELE VENEZANO; \$
JOSEF VAN DYCK; KASPAR WILLIAM; \$
ROLF JENSEN & ASSOCIATES, INC.; \$
ROSENWASSER/GROSSMAN \$
CONSULTING ENGINEERS, P.C.; \$
SIMPSON GUMPERTZ & HEGER, INC.; \$
S. K. GHOSH ASSOCIATES, INC.; \$
SKIDMORE, OWINGS & MERRILL, \$
LLP; TENG & ASSOCIATES, INC.; \$
UNDERWRITERS LABORATORIES, \$
INC.; and WISS, JANNEY, ELSTNER \$
ASSOCIATES, INC. \$

Defendants. §

Case No. 07CV4612 (GBD)

**AFFIDAVIT OF GAIL D. ZIRKELBACH
IN SUPPORT OF APPLIED RESEARCH
ASSOCIATES, INC.'S REPLY TO
RELATOR'S MEMORANDUM OF LAW IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS**

Gail D. Zirkelbach, being duly sworn, hereby deposes and says as follows:

1. I am a member of Jackson Kelly PLLC, attorneys of record for Defendant Applied Research Associates, Inc. in the captioned case.
2. I am admitted *pro hac vice* in this matter.
3. I submit this Affidavit in Support of ARA's Reply to Relator's Memorandum in Opposition to Defendants' Motions to Dismiss to submit certain documents for consideration by the Court, all of which are public records or otherwise publicly available.

4. Attached as Exhibit A is a true and correct copy of *United States ex rel. Pentagen Techs. Int'l, Ltd. v. CACI Int'l Inc.*, 172 F.3d 39 (2nd Cir. 1999).
5. Attached as Exhibit B is a true and correct copy of Applied Research Assoc.'s, Inc.'s Mem. of Law in Supp. Of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 9(b in *United States ex rel. Dr. Judy Wood v. Applied Research Assoc., Inc.*, No. 07CV3314(GBD) (S.D.N.Y. filed April 25, 2007).
6. Attached as Exhibit C is a true and correct copy of Elaine Jarvik, *BYU Professor Thinks Bombs, Not Planes, Toppled WTC*, DESERET MORNING NEWS, Nov. 10, 2005.
7. Attached as Exhibit D is a true and correct copy of Eric Salter, *A Critical Review of WTC 'No Plane' Theories*, Sept. 29, 2006.

5. Attached as Exhibit B is a true and correct copy of Applied Research Assoc.'s, Inc.'s Mem. of Law in Supp. Of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 9(b in *United States ex rel. Dr. Judy Wood v. Applied Research Assoc., Inc.*, No. 07CV3314(GBD) (S.D.N.Y. filed April 25, 2007).

6. Attached as Exhibit C is a true and correct copy of Elaine Jarvik, *BYU Professor Thinks Bombs, Not Planes, Toppled WTC*, DESERET MORNING NEWS, Nov. 10, 2005.

7. Attached as Exhibit D is a true and correct copy of Eric Salter, *A Critical Review of WTC 'No Plane' Theories*, Sept. 29, 2006.

Dated: February 4, 2008
Denver, Colorado

s/ Gail D. Zirkelbach
Gail D. Zirkelbach

STATE OF COLORADO)
CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me this 4th day of February 2008, by Gail D. Zirkelbach.

s/ Robin Walker
Notary Public

My Commission expires: 04/04/09

[SEAL]